

Judge Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISCTRICK OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA  
Plaintiff

NO. CR 09-5602 RJB

## Order Granting Motion to Continue Trial

REED McCARTY,

Defendant.

## Order

Reed McCarty moves the Court to continue his currently scheduled trial date of November 9, 2009 to a new date some time on or before March 3, 2010. Mr. McCarty bases this motion on his desire to continue reviewing the discovery and the law and to allow his attorney time to negotiate a possible resolution with the Government. The Government does not oppose the motion. The Court finds these reasons persuasive and GRANTS the motion. Based on the undisputed facts set forth in the motion, which are hereby incorporated by reference and adopted as findings, the Court finds:

1. The ends of justice served by granting this continuance outweigh the best

1           interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2           2. Proceeding to trial absent adequate time for the defense to prepare would  
3           result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

4           3. Taking into account the exercise of due diligence, a continuance is  
5           necessary to allow the defendant the reasonable time for effective preparation his  
6           defense. See 18 U.S.C. § 3161(h)(7)(B)(iv).

7           Accordingly, IT IS HEREBY ORDERED that the trial date is continued from  
8           November 9, 2009 to March 22, 2010, and the pretrial conference is rescheduled for  
9           March 12, 2010. The resulting period of delay from the date this motion was filed  
10           until the new trial date is excluded for speedy trial purposes under 18 U.S.C. §  
11           3161(h)(7)(A) and (B).

13           IT IS SO ORDERED this 23rd day of October, 2009.

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18           ROBERT J. BRYAN  
19           United States District Judge  
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